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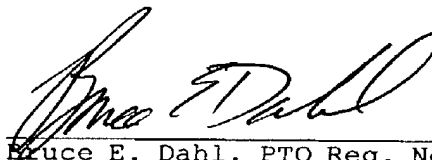
SEP 22 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
AKERS, Douglas, W)
5 Serial No. 09/932,531) Examiner: Palabrica, R.J.
Filing Date: October 10, 2002) Group Art Unit: 3641
10 For: APPARATUS FOR PHOTON) Conf. No.: 4276
ACTIVATION POSITRON)
ANNIHILATION ANALYSIS)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

15 I hereby certify that the attached INTERVIEW SUMMARY UNDER
37 C.F.R. §1.133 is being facsimile transmitted to the U.S.
Patent and Trademark Office, Fax. No. (703) 872-9306, on this
22nd day of September 2004.



Bruce E. Dahl, PTO Reg. No. 33,670

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INTERVIEW SUMMARY UNDER 37 C.F.R. §1.133

15 To: The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

20 Applicant notes with appreciation the telephonic interview
courteously afforded by Examiner Carone with the undersigned
counsel on September 22, 2004. The subject of the telephone
interview was the non-final office action issued July 8, 2004,
re-opening prosecution.

25 Applicant's counsel expressed concern about the course of
prosecution in that the many office actions issued by the Office
during the pendency of this application do not appear to be a
good faith attempt to advance prosecution. As an example,
Applicant's counsel noted that the July 8, 2004, office action
re-introduces many of the same section 112 rejections that were
30 previously made in an office action of January 22, 2003. Those
section 112 rejections were traversed by the Applicant and were
not made again until now, despite the issuance of two intervening
office actions.

35 In addition, the July 8, 2004, office action objects to the
drawings based on claim 22, which was first submitted for
examination on July 25, 2002, nearly two years ago. Since that
time, the Office issued four (4) office actions, none of which
objected to the drawings based on claim 22. Only with the

issuance of the July 8, 2004 office action (the 5th office action following the submission of claim 22) does the Office now object the drawings.

5 Applicant's counsel also noted that the two additional publications (Gedcke and Simon) cited by the Office in the July 8, 2004, office action contain no evidence of a publication date. The only date listed by the Office is contained in the PTO Form 892 and identifies only the download date of June 26, 2004.

10 As additional evidence for Applicant's conclusion that the prosecution of this application is experiencing undue delay, Applicant's counsel also briefly discussed the proceedings in a divisional application, serial no. 10/269,807 (currently on appeal), being handled by the same examiner. The prosecution in that divisional application has been similarly lengthy and has
15 experienced similar difficulty in advancing the issues to the appeal stage.

20 Examiner Carone stated that he would have the Office withdraw the July 8, 2004, office action and issue a new office action. He also stated that the new office action would not contain an objection to the drawings and would address the date issue relating to the two undated publications. Examiner Carone stated that he believed that such a new office action would be issued before October 1, 2004. Applicant's counsel stated that he would prepare this interview summary.

25 Respectfully submitted,

DAHL & OSTERLOTH, L.L.P.

By: 

Bruce E. Dahl

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Date: 9-22-04